

This document contains information about 3 types of administrative notices the CSED uses to establish support obligations.

NOTICE AND ORDER CONCERNING SUPPORT

Under MCA 40-5-202 and MCA 40-5-225 through 227 the CSED has the authority to serve a Notice and Order Concerning Support or a Notice and Order Concerning Temporary Support. The notices refer to the process by which the CSED establishes a child support and medical support order. Once completed the notices may include:

- the monthly child support obligation and if applicable, a judgment for past due support
- a financial affidavit, if not previously provided
- a guidelines worksheet showing how the monthly support obligation was calculated
- a hearing request

The monthly support obligation shown on the notice is based on financial information about each parent according to the completed financial affidavit or on wage information available from sources accessible to the CSED. If no financial information is available about a parent the monthly support obligation may be based on the Federal poverty levels of support for children.

The Notice will request an order for the parent owing support and the parent to whom support is owed to provide health insurance when it is available, whether individually, or through an employer or other group plan, at a reasonable cost. Further, if health insurance is available to both parents, the combination of the two plans is cost beneficial, and the benefits are complementary, both the parent owing support and the parent to whom support is owed shall be requested to provide insurance. Each parent is asked to provide the cost of insurance to ensure that credit is obtained during the support calculation.

If a financial affidavit is included with the Notice, complete and return the affidavit to the CSED within 10 days after service of the Notice. If there is a change in the support amount based on the financial information provided by each parent, an Amended Notice and Order Concerning Support will be issued and mailed to each parent along with a new guidelines worksheet. You will then have an additional 20 days to either agree with the new amount of support or request a hearing.

If you disagree with the amounts, terms and conditions shown on the Notice, you may advise the CSED of your objections and/or request a hearing within 20 days of the date you were served with the Notice. Use the Hearing Request form included for this purpose. Informal discussions with your caseworker, or any CSED employee, will not extend the time allowed to request a

hearing. A parent's refusal to participate in the hearing will not prevent the entry of a support order.

If you agree to the Notice, sign the consent section and return it within 10 days to your caseworker at the address provided on the Notice.

NOTICE AND ORDER CONCERNING TEMPORARY SUPPORT

If a District Court action is pending regarding child support, medical support, or parenting plan, a Notice and Order Concerning Temporary Support will be issued and served on each parent. The Temporary Notice, once finalized through the CSED, will remain in effect until the District Court Action is finalized. The final District Court support order will then replace the Temporary Order.

SUBSEQUENT NOTICE AND ORDER CONCERNING SUPPORT

Under of MCA 40-5-225 the CSED has the authority to add additional children of the same parents to a previously entered support order; however this authority does not apply to cases where the existing order is a non-CSED order or where the existing order is a modification order. If you believe these situations apply to you please consult your caseworker.

.A Subsequent Notice and Order Concerning Support is a notice issued by the CSED that takes subsequent action to replace the existing support order with an order that includes the children of the original order and the additional child(ren).

The CSED will recalculate the support order. The amount of child support stated on the Subsequent Notice and Order Concerning Support is based on financial information available to the CSED at that time. You may be requested to complete and return a financial affidavit, and to provide additional information such as, copies of your pay stubs for the last three months, and complete copies of your federal income tax returns - including all schedules and W-2 forms - for the last two years.

If you disagree with the amount on the Subsequent Notice and Order Concerning Support, you must contact the Office of the Administrative Law Judge, in writing, within 10 days of the date you received it. Use the Hearing Request form included for this purpose.

If you agree with the amount on the Subsequent Notice and Order Concerning Support sign the consent section and return it within 10 days to your caseworker at the address provided on the notice.

The new order established by the Subsequent Notice and Order Concerning Support, replaces the original order, and is effective the first day of the month after the new order is signed. The original order will remain in effect until the date that it is replaced. Any past due support accrued under the original order is still due. The CSED will continue to attempt collection of past due support by any legal means available.

A medical support order will be included in the new order. If the provisions are duplicative of the original order, the medical support order will be a restatement of the original order. If the new medical support order has different elements, it will represent an additional medical obligation.